



Crl.R.C.(MD).No.1071 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC.(MD).No.1071 of 2023

M.Suresh

... Petitioner

Vs.

State rep by
The Inspector of Police,
E.O.W., Police Station,
Karur District.
Crime No.1 of 2023

... Respondent

PRAYER: Petition filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order passed in Crl.M.P.No.186 of 2023, dated 28.06.2023, on the file of the Special Court under the TNPID Act, Madurai.

For Petitioner :Mr.R.Mathiyalagan

For Respondents :Mr.T.Senthil Kuamr
Additional Public Prosecutor



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ORDER

This Criminal Revision Case has been filed against the order passed in Crl.M.P.No.186 of 2023, dated 28.06.2023, on the file of the Special Court under the TNPID Act, Madurai.

2. The prosecution case is that one Selvaraj has lodged a complaint before the respondent police alleging that the petitioner and 17 others were running finance firm in the name and style of Sri Geethanjali Financers, Sivaparvathi Financers and SG.Finance and the defacto complainant had deposited a sum of Rs.1,28,00,000/- (Rupees One Crore and Twenty Eight Lakhs Only). Thereby, they swindled a sum of Rs. 9,26,42,571/- (Rupees Nine Crores Twenty Six lakhs Forty Two Thousand and Five Hundred and Seventy One onlt) from 62 depositors and therefore, a case was registered by the respondent in Crime No.1 of 2023, for the offences punishable under Sections 406, 420, 120-B and Section 5 of TNPID Act.



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3. Thereafter, steps have been taken to attach the properties of the petitioner and other accused. During investigation, the investigating officer seized the petitioner's Toyota car bearing Reg.No.TN-47-AC-4575 and remanded to the Court below in R.P.R.No.56 of 2023, dated 05.06.2023. Hence, the petitioner herein filed a petition in Cr.M.P.No.186 of 2023 under Section 451 & 457 of Cr.P.C., to return the vehicle. The learned Special Judge, allowed the petition with the following conditions:

In the result, the petition is allowed as:

(i) The Toyota car bearing Reg.No.TN-45-AC-4575 is order to be returned to the petitioner as interim custody and the original registration certificate to be produced before the Court.

(ii) The petition er has to execute a bond for a sum of Rs.7,00,000/- along with two sureties for a like sum each to the satisfaction of this Court.

(iii) On the utilization of the vehicle on its return, which is involved in this case, the petitioner shall make the payment of Rs.5,000/- per month in this case account maintained in this Court.

(iv) The petitioner is directed to produce the vehicle at the time of requirement of investigation officer as well as before the Court.



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- (v) *The petitioner is directed to co-operate for the entire proceedings of this case and*
- (vi) *The photograph of the properties to be produced.*

Challenging the condition Nos.2 and 3, the petitioner filed this Criminal revision case before this Court.

4. As far as the second condition is concerned to execute a bond for a sum of Rs.7,00,000/- (Rupees Seven Lakhs Only), this Court is not inclined to find any merits. In respect of the third condition, all the accused are involved in this case and also number of properties were attached. Therefore, this Court is inclined to set aside the third condition, imposed by the learned trial Judge.

5. Accordingly, this criminal revision case stands partly allowed.

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NCC :Yes/No
Index :Yes/No
Internet :Yes/No
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K.K.RAMAKRISHNAN, J.

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